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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,056

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Heinz-Josef Hautvast

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,056	Applicant(s) HAUTVAST ET AL.	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 3-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-10-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1 and 2, in the reply filed on July 28, 2008 is acknowledged.
2. Claims 3-25 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 28, 2008.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- reference numerals 115a, 115b in Figure 4;
- reference numeral 2b in Figure 7.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

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appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "second guide elements 20" on page 11, line 33;
- "moldings 91" on page 12, line 21 and page 13, line 3;
- "second resilient element 99" on page 13, lines 9-10 and line 23;
- "holding space 101" on page 13, line 13;
- "front side 104" on page 13, line 14;
- "retaining element carrier 94" on page 13, line 25;
- "common shaft 114" on page 13, line 29;
- "alignment guides 115" on page 13, line 31;
- "sliding guide 117" on page 14, line 7 and page 15, line 3;
- "common printed circuit board 136" on page 15, line 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:

On page 11, line 31, the term "unit 11" should be --unit 26-- since that is how the media unit is shown in the Figures and how the term was previously described in line 29. Similarly, on page 12, line 2, the term "insertion curve 17" should be --insertion curve 70--. On page 14, line 2, the term "vertical (98)" should be deleted and replaced with --vertical (97)-- since that is how the vertical play is illustrated in Figure 3.

Appropriate correction and/or clarification is required.

Claim Objections

7. Claims 1 and 2 are objected to because of the following informalities:

With respect to claim 1, it is suggested that the term "an operating position" in line 8 be deleted and replaced with --the operating position-- since the operating position was previously recited in line 7. Note a similar problem occurs with the same term "an operating position" in line 10 of claim 1. Similarly, in line 18 of claim 1, it is suggested that the terms "a locked position" and "an unlocked position" be deleted and

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replaced with --the locked position-- and --the unlocked position-- respectively since these positions were previously recited in lines 12-13.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lais (US 6,392,677 B1) in view of Luciano et al. (US 2001/0014246 A1).

With respect to claim 1, Lais teach a printer 1 for a tachograph of a motor vehicle comprising a housing 2, a printing unit having a media unit 28 arranged to hold a medium 38 that can be printed, the media unit being further arranged to be moved

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relative to the printing unit along an insertion curve describing an insertion direction into an operating position and, counter to the insertion direction, out of the operating position, the media unit further arranged to be at least partly removed from the housing and locked in the operating position in the housing by means of a locking unit.

Particular attention is invited to Figures 2-3 and column 3, lines 13-19 of Lais. Lais does not specifically teach the details of the locking element or whether the locking element can be moved between the locking and unlocking position transversely to the insertion direction as recited. However, Luciano et al. teach a printer structure 100 including a drawer like sliding unit that is locked in position using a locking mechanism 120 including a movable locking element (i.e. spring biased pin) that may be moved between a locked and unlocked position, wherein in the locked position the locking element engages with at least one retaining element (i.e., hole) fixed on a housing, wherein the locking element is arranged to be moved translationally transversely with respect to the insertion direction into the locked position and into the unlocked position. Particular attention is invited to the locking mechanism 120 shown in Figure 10 and described in paragraphs [0042] and [0051] of Luciano et al. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the printer of Lais with the locking mechanism of Luciano et al. to provide better locking securement and release characteristics of the printer and media unit to allow for both accurate printing and ease of maintenance of the printer.

With respect to claim 2, note that although Luciano et al. teach one retaining element, it has been held that the broad provision of a plurality of a known object is an obvious mechanical expedient. Therefore, it would have been obvious to one of ordinary

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skill in the art to provide two retaining elements for engagement with the at least one locking element to allow for better locking of the structures and more evenly distributed holding forces along the printer body.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sekiya (US 6,469,726 B2) and Yamashita (US 6,414,704 B1) each teach a print including a movable media unit having obvious similarities to the claimed subject matter.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie J. Evanisko/
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
September 28, 2008